

DATE OF DETERMINATION	4 April 2024
DATE OF PANEL DECISION	3 April 2024
DATE OF PANEL BRIEFING	25 March 2024
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto
APOLOGIES	Ashleigh Cagney, Lara Symkowiak
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 18 March 2024.

MATTER DETERMINED

PPSSWC-371 – Camden – DA/2023/556/1 – 62 Central Avenue, Oran Park - Staged construction of two six-storey commercial buildings and their use as an office premises comprising three levels of basement car parking and associated site works.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Application to vary a development standard

The development will breach the height of buildings development standard that applies to the site under clause 4.3 Height of Buildings of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 – Appendix 2 Oran Park & Turner Road Precinct Plan (the **Growth Centres SEPP**). The contravention arises because the lift overrun and services facilities extend above the 24m maximum permitted building height.

The lift overrun of Building 3 (the highest point of the development) is reported to present a maximum building height of approximately 29.16m, giving rise to a 5.16m height variation or around a 22% exceedance.

Commercial Building 4 is 29.36m in height (a contravention of 5.36m).

The lift overruns are however centrally located and will not be visible from the street. Plant and equipment has been designed to be appropriately contained within the roof space.

After considering a written request from the applicant seeking to justify the contravention of the height development standard, made under cl 4.6 (3) of Growth Centres SEPP, the Panel is satisfied that the request adequately addresses the matters required to be addressed under cl 4.6, and demonstrates that:

- a) compliance with the height development standard under cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

In resolving to grant that written request, the Panel has satisfied itself that:

- a) the development is consistent with the objectives of cl. 4.3, and specifically the Panel accepts the advice of the Council assessment staff that:
 - (i) The proposed building will be compatible with the height, bulk and scale of the existing and desired future character of the locality, noting that the proposal is of a similar scale to recently approved buildings in the developing Oran Park town centre, and has been assessed to be appropriate in its context when considered against the objectives and controls for building heights listed in the DCP.
 - (ii) The development will not disrupt views, or result in any unacceptable visual impacts or loss of privacy. There will be no unacceptable loss of solar access to existing development or public spaces.
 - (iii) The development will not impact on any heritage conservation areas or heritage items.
- b) On that basis, and for the reasons set out in the Council assessment report, the proposal is consistent with the relevant provisions of the SEPP and the objectives for development in the B2 Local Centre zone. It is in the public interest to permit the height standard variation in this case.
- c) Accordingly, the variation to the numerical height development standard is in the public interest.

The concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

The DA has been assessed in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 and all relevant instruments, plans and policies.

The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The development is consistent with the objectives of the Oran Park Development Control Plan (as amended) and Camden Development Control Plan 2019. While the basement carpark extends into the area between the buildings reducing the deep soil zone calculated in accordance with the DCP below that required, Council has assessed the soil depth proposed to be sufficient for adequate planting.

The development is considered to be of an appropriate scale and form for the site and the character of the locality. The commercial development proposed is expected to play an important role in contributing a significant amount of office space to the town centre.

The development notably incorporates a shared loading dock and basement point of access and egress to be facilitated by way of a private road. The Council assessment report accepts that this aspect of the development “enables areas that would typically detract from the immediate streetscape to be consolidated to one frontage”. That feature of the design is also necessary to allow for the proposed pedestrian only

through link between the two developments which will improve the public domain around the southern, western and northern perimeters of the two buildings.

Conditions have been resolved between the Council and the Applicant in that regard including a management plan for the loading dock.

Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.

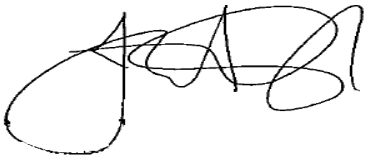


For the above reasons, the development is a suitable use of the site and its approval is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 David Kitto	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-371 – Camden – DA/2023/556/1
2	PROPOSED DEVELOPMENT	Staged construction of two six-storey commercial buildings and their use as an office premises comprising three levels of basement car parking and associated site works.
3	STREET ADDRESS	62 Central Avenue, Oran Park
4	APPLICANT/OWNER	Applicant: Urbanco/Greenfields Development Company No.2 Pty Ltd Owner: Perich Property Trust
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021. State Environmental Planning Policy (Precincts - Western Parkland City) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2019. Oran Park Development Control Plan (as amended) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 18 March 2024 Clause 4.6 variation request: Height of Building Written submissions during public exhibition: NIL
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 13 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli <u>Council assessment staff</u>: Lachlan Hutton, Jamie Erken <u>Applicant representatives</u>: Michael Rodger, Mick Owens, Michael Viskovich, Todd Crameri, John Gunnell, Vinay Moorthy Final briefing to discuss council's recommendation: 25 March 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto <u>Council assessment staff</u>: Lachlan Hutton, Jamie Erken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

